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Europeanise.me – Montenegro changes its citizenship law

Jelena Džankić



When Montenegro received its candidate country status in November 2010, the European Commission (EC) recommended that the country fulfil seven conditions before opening accession talks. The requirement that topped the EC's list was the need to adopt a new [Election Law](#). Yet the adoption of the

new election legislation, which had been on hold since the country became independent in 2006, was a cumbersome task. Since [Montenegro is a divided society](#), it required a number of political compromises, notably on the name of the [language subject in elementary education](#), and on the [citizenship status for people from other republics of the former Yugoslavia](#). Hence, along with the adoption of the Election Law in September 2011, the process of Europeanisation (through EU's political conditionality) has also yielded a change in Montenegro's citizenship legislation, resulting in a facilitated naturalisation for citizens of the former Yugoslav republics.

According to the new article 41v, citizens of one of the republics of the former Yugoslavia who registered residence in Montenegro at least 5 years prior to the date of Montenegro's declaration of independence (3 June 2006) can be granted Montenegrin citizenship, provided they did not unregister their residency in Montenegro before submitting the application, and that they fulfil financial conditions and have security clearance as stipulated in article 8, para 1, points 4, 5, 7, and 8 of the [Montenegrin Citizenship Act](#). In addition, the applicant is required to deliver a written statement about his or her acceptance of the rights and duties of Montenegrin citizenship, along with a request for admission to Montenegrin citizenship to the Ministry of Interior.

In the context of Montenegro's citizenship regime, which is among the most restrictive in the Balkans in terms of naturalisation requirements and intolerance of dual citizenship, the amendment implies that applicants are no longer required to obtain release from their citizenship of origin. This will facilitate the naturalisation of a number of people from other former Yugoslav republics, who could not obtain [release from their citizenship of origin](#), either due to poorly kept registers, the consequences of the wars of Yugoslav disintegration, or who simply wanted to keep their primary citizenship. In principle, the most recent amendment is also a step towards tolerating dual citizenship. By submitting the statement that they accept the rights and duties of Montenegrin citizenship the person essentially should renounce his or her citizenship of origin. Nevertheless, as no formal renunciation is required, naturalised individuals will be able to retain both passports. Data protection acts in other post-Yugoslav states will prevent the Montenegrin authorities from withdrawing the Montenegrin citizenship of a person who holds another passport, as occurred in [the case of a pro-Serb politician](#) in March 2011.

However, despite the liberalizing effect of Europeanisation on Montenegro's citizenship legislation, a large number of people seeking Montenegrin citizenship will remain unaffected by the new provisions. This is especially true of the Roma, who came to Montenegro during the Kosovo crisis in 1998 and 1999. For them, the problematic aspect of the new provision is that the law still requires the applicants to have registered 'residence' in Montenegro, since most of the Roma have registered with the Bureau for the Care of Refugees, which is an institution that does not grant residence status (see [EUDO case law on Montenegro](#)). Being a marginalised societal group, the majority of the Roma did not undergo the adequate procedures required to obtain lawful residence.

In order to understand why the Roma population will be largely unaffected by the new provisions for naturalisation, it is important to reiterate that the most recent amendment to the 2008 Montenegrin Citizenship Act came as part of the package of legislative changes that the government and the opposition agreed upon as preconditions for the adoption of the new Election Law. It was negotiated among the major ethnic (Montenegrin, Serb, Bosniak, Albanian, Croat) and political (DPS, SNP, Nova) players. Hence Roma were largely at the margins of this debate, as well as the Serbs from Kosovo, who registered with the Bureau for the Care of Refugees. The provisions adopted will mostly be of use to the people from Bosnia and Croatia who sought refuge in Montenegro in the early 1990s (who were predominantly of Serb ethnic background), registered lawful residence, but failed to naturalise previously as they could not obtain release from their citizenship of origin. However, had they at any given moment unregistered their residence in Montenegro so as to regulate their citizenship of origin, they would not be covered by the scope of the amendment to the Citizenship Act.

The politicization of the citizenship issue in the context of the adoption of the Election Law reflects the significance of the way voting rights are regulated in Montenegro. Franchise is of utmost importance in a country of less than half a million voters, where the electoral races of the past twenty years have had [very tight outcomes](#). Hence, the question of whether the influx of pro-Serb voters would change the electoral results prevented the pro-Montenegrin government from changing the citizenship legislation and postponed the compromise on electoral legislation for almost five years. Yet, the approaching date of publication of the Progress Report of the EC forced the political actors to reach an agreement, which is an example of the transformative power of Europeanisation.

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wow, they are Gluttons for Punishment if they see Southern Europe & the RECESSION that's spreading even to Northern Europe & the damage it's done to bonds in nearly all of EU exc Germany (so far...just wait). Poland is "delaying" their entry to more of Europe's "clubs" i.e. centralized-planning. UK's fiscal health is also "debt+recession" as the only major EU economy outside of the EuroZone. Good luck to Montenegro & especially to the PIIGS; ya need it, no luck isn't what you need, a miracle literally with God descending & dropping "mana from heaven" that magically wipes away the debt & unemployment is needed!

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